

COUNTY CRIMINAL PROCEEDINGS

This section provides guidance on procedures to be used when completing the County Criminal portion of the monthly SRS forms. For ease of following the SRS form, this section is divided into the major sections indicated on the forms. Each ✓ or ✗ indicates guidelines and directions that should be followed when completing specific sections of the SRS forms.

Note: The section entitled Case Type Determinations (page 8-18) explains case type, category definitions, and offense seriousness. The County Criminal SRS reporting forms are located in the tabbed section entitled SRS Reporting Forms (pages 12-8 and 12-9). The Offender Based Transaction System (OBTS) guidelines are provided in the shaded boxes. For a detailed explanation regarding the computation of the SRS from the OBTS data, please refer to the section entitled OBTS (page 10-8).

FILINGS

Number of Defendants Accused

Please refer to section “A” of the SRS form which reports information associated with the number of defendants accused during the specified reporting period. Report these charges filed as of the clerk’s document **stamp date**.

- ✓ Report each defendant against whom a sworn complaint, notice to appear, information or indictment is filed. Report only those charging documents which are filed with the clerk's office during the reporting month.

For the OBTS, the “Arrest Date” or the “Prosecutor Filing Date”, whichever is earliest is used to calculate filings. Refer to the section entitled OBTS for a detailed description.

- ✓ Report multiple defendants who are named on one sworn complaint, notice to appear, information, or indictment each as a separate filing.

For the OBTS, each defendant should have a unique case number. This can be accomplished by assigning different case numbers or by using an alpha suffix.

- ✓ If one defendant is named on multiple sworn complaints, notices to appear, informations or indictments which are filed on the same day, **report only one filing**.

For the OBTS, the SRS software will make this determination.

FILINGS

- ✓ Report each filing in the appropriate casetype category. On a multi-charge information, indictment, sworn complaint or notice to appear, report the most serious offense listed.

For the OBTS, in situations where a defendant is charged under chapter 777, Florida Statutes, do not report the attempt statute in the statute number field in any of the OBTS phases. Record the Florida Statute cite of the specific crime that is attempted [e.g., battery (784.03(2)), assault (784.011(2)), petit theft (812.014(2)(d))], using one of the general offense codes for attempted charges.

- ✓ Report defendants transferred to the reporting court from another court or jurisdiction.

For the OBTS, when transferring a case from circuit to county court, the “Prosecutor Filing Date” should be entered only if a circuit court information is filed. The data in the “Basic” and “Initial Phase(s)” of the county and circuit court records should be identical.

- ✓ Report defendants charged with criminal contempt filed before or after a disposition.
- ✓ Report non-criminal violations supported by Florida Statute. Examples are boating citations; violations of hunting, fishing and trapping license requirements; and violations of provisions regarding dangerous dogs.

For the OBTS, these charges should contain an "I" in the “Level of the Charge” field.

The following items identify common reporting errors. Please check these items to ensure that the SRS report **does not** include these reporting errors.

- ✗ **DO NOT** report non-criminal violations of local and county ordinances. If the case is filed due to non-payment of a fine and the defendant appears before the court, report the case in the appropriate case type category. For example, parking tickets should be reported only if the defendant appears before the court.

For the OBTS, non-criminal ordinance violations should contain an "I" in the "Level of the Charge" field and reflect a statute number of all 8's for county ordinances or all 9's for municipal ordinances. If a non-payment occurs and the defendant appears in court, change the "Level of the Charge" code from "I" to "C" if reporting a county ordinance or from "I" to "L" if reporting a municipal ordinance. This change should be made in all phases of the OBTS record. ([See OBTS Tech Memo 03-02](#))

- ✗ **DO NOT** include defendants whose cases were previously reported as disposed and are now being resubmitted or reopened before the court (See Defendants with Reopened Cases, page 8-14).

For the OBTS, cases being resubmitted to the court after being disposed in the Court Phase should be reopened by using the “Date Charge Reopened” and “Reason Charge Reopened” fields.

DISPOSITIONS

Number of Defendants Disposed

Please refer to section “B” of the SRS form which reports information associated with the number of defendants disposed during the specified period. Report these charges disposed as of the clerk’s document **stamp date**.

- ✓ Report defendants as disposed when the final judicial decision is rendered which terminates a criminal proceeding by a judgment of acquittal or dismissal, or which states the specific sentence in the case of a conviction. For purposes of SRS reporting, include the following:
 - Defendants for whom adjudication is withheld;
 - Defendants whose cases are transferred to another court or have a change of venue;
 - Defendants declared mentally or physically unable to stand trial or to participate in the judicial process; and
 - Defendants who are placed on deferred prosecution of other pretrial diversion or probation programs approved by the State Attorney, **including treatment-based drug court programs**.
 - Defendants whose cases are nolle prosequi for administrative reasons due to lack of procedural activity. In the case of blanket dismissals, the following criteria apply:
 - Misdemeanor cases must reflect no procedural activity for a minimum of two years;
 - An outstanding capias or warrant must be in effect;
 - A distinguishable Blanket Dismissal Form (nolle prosequi) must be utilized and included in the clerks records; and
 - A set minimum number of cases should be processed in this manner at one time under a cover letter to ease the administrative burden on the Clerk of the Court.

For the OBTS, the disposition code “F” should be used for reporting cases disposed for administrative reasons. This includes cases disposed as a result of a blanket dismissal.

For non-OBTS counties, these cases should be reported in the **Before Trial, Other** disposition category of the SRS form.

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DISPOSITIONS

DISPOSITION CATEGORIES

Number of Before Trial Dispositions

Please refer to section "B1" of the SRS form which reports information associated with the number of before trial dispositions in the following categories: No File, Speedy Trial Rule Dismissals, Dismissed, Transferred, Plea (Guilty/Nolo Contendere), and Other. The following guidelines refer to the dispositions that occur:

- **Before** the jurors and alternates are selected and sworn; or
- **Before** the first evidence is introduced or an opening statement is made in a non-jury trial.

For reporting purposes, report the number of defendants disposed before a trial begins.

For the OBTS, use the "Type of Trial" code of "1" (none, no trial required).

No Files

- ✓ Report, in the appropriate case type category, the number of defendants against whom **all charges** in the criminal episode are dropped because the prosecutor did not obtain an indictment, file an information or pursue the initial complaint in any way.

For the OBTS, enter the appropriate date under the "Prosecutor Final Decision Date" and use the "Final Action by Prosecutor/Grand Jury" code of "L" (dropped/abandoned) or "J" (no bill) for all the charges.

Speedy Trial Rule Dismissals

- ✓ Report, in the appropriate case type category, the number of defendants against whom **all counts** in the criminal proceeding were dismissed because the time frame of the **Speedy Trial Rule** was not met (See Rule 3.191, Florida Rules of Criminal Procedure).

For the OBTS, use the "Final Action by Prosecutor/Grand Jury" code of "S" (speedy trial) if the dismissal occurs prior to an information being filed. If the dismissal occurs after an information is filed, use the "Court Action Taken" code of "T" (dismissed speedy trial).

DISPOSITIONS

Dismissed

- ✓ Report, in the appropriate case type category, the number of defendants against whom **all counts** in the criminal proceeding were **dismissed**.

For the OBTS, all sequence numbers for a given case number must contain a dismissed code in either the "Prosecutor Phase" or "Court Phase" for the SRS software to count a defendant in the dismissed category.

- ✓ Report the number of defendants for whom **all counts** were **dismissed** on the prosecutor's motion (i.e., nolle prosequi).

For the OBTS, use the "Final Action by Prosecutor/Grand Jury" code of "O" (nolle prosequi).

- ✓ Report the number of defendants for whom **all counts** on an information or indictment were **dismissed** by the court.

For the OBTS, use the "Court Action Taken" code of "D" (dismissed) or "E" (dismissed upon payment of restitution).

The following items identify common reporting errors. Please check these items to ensure that the SRS report **does not** include these reporting errors.

- ✗ **DO NOT** include defendants against whom **all charges** are dropped because the prosecutor did not obtain or seek an indictment or information (no file) (See No File category, page 8-5).

For the OBTS, enter the appropriate date under the "Prosecutor Final Decision Date" and use the "Final Action by Prosecutor/Grand Jury" code of "L" (dropped/abandoned) or "J" (no bill) for all the charges.

- ✗ **DO NOT** report defendants for whom **all counts** are dismissed because the time frames of the **Speedy Trial Rule** are not met (See Speedy Trial Rule Dismissals, page 8-5).
- ✗ **DO NOT** report defendants who are placed on deferred prosecution or other pretrial diversion or probation programs approved by the State Attorney, **including treatment-based drug court programs** (See Before Trial, Other, page 8-8).

DISPOSITIONS

- ✗ **DO NOT** report defendants who successfully complete a pretrial diversion program and a nolle prosequi is entered.

Note: The section entitled OBTS provides detailed instructions on reporting pretrial diversion dispositions (See OBTS, page 10-13).

Transferred

- ✓ Report in the appropriate case type, the number of defendants disposed by a transfer action initiated by the prosecutor *after* an information is filed or which has been disposed by a change of venue action initiated by the court. ([See SRS Tech Memo 02-02](#))

When reporting via the Offender Based Tracking System (OBTS), use the Final Action by Prosecutor/Grand Jury code of "R" (Transferred) if the transfer is initiated by the prosecutor. If the transfer occurs before an information is filed, the Prosecutor Filing Date must contain a value of '88888888.' If the transfer occurs after an information is filed, the Prosecutor Filing Date must contain a valid date value. Report the transfer as a change of venue, Court Action Taken code "V," if the transfer occurs pursuant to a judicial order for change of venue.

Plea (Guilty/Nolo)

- ✓ Report, in the appropriate case type category, the number of defendants convicted on one or more counts following a **plea of guilty or nolo contendere** before trial begins.

For the OBTS, use the "Court Action Taken" code of "G" (adjudicated guilty) or "K" (adjudicated delinquent) and the "Defendant's Final Plea" code of "2" (guilty) or "3" (nolo contendere).

- ✓ Report the number of defendants for whom adjudication is withheld after the defendant enters a **plea of guilty or nolo contendere** before trial begins.

For the OBTS, use the "Court Action Taken" code of "W" (adjudication withheld) and the "Defendant's Final Plea" code of "2" (guilty) or "3" (nolo contendere).

Other

- ✓ Report, in the appropriate case type category, the number of defendants receiving any disposition not included in the previously described before-trial dispositions.

DISPOSITIONS

- ✓ Report defendants who are placed on deferred prosecution or other pretrial diversion or probation programs approved by the State Attorney, **including treatment-based drug court programs.**

Note: Drug court cases may differ significantly from other cases disposed by pretrial intervention (PTI) or deferred prosecution agreement, in that, post-disposition judicial involvement may be significant as a result of periodic drug court status review hearings. Regardless, drug court cases should be reported as disposed based upon the disposition criteria established for PTIs. For OBTS counties, the section entitled OBTS provides detailed instructions on reporting PTI dispositions (See OBTS, page 10-13).

- ✓ Report defendants declared mentally or physically unable to stand trial or to participate in the judicial process.

For the OBTS, use the “Court Action Taken” code of “M” (mentally/physically unable to stand trial).

- ✓ Report defendants whose cases are disposed upon the estreatment of a bond and no further action will be taken by the prosecutor or the court.

For the OBTS, use the “Court Action Taken” code of “B” (bond estreatment).

- ✓ Report defendants whose cases are nolle prosequi for administrative reasons due to lack of procedural activity. In the case of blanket dismissals, the following criteria apply:
 - Misdemeanor cases must reflect no procedural activity for a minimum of two years;
 - An outstanding capias or warrant must be in effect;
 - A distinguishable Blanket Dismissal Form (nolle prosequi) must be utilized and included in the clerks records; and
 - A set minimum number of cases should be processed in this manner at one time under a cover letter to ease the administrative burden on the Clerk of the Court.

For the OBTS, the disposition code “F” should be used for reporting cases disposed for administrative reasons. This includes cases disposed as a result of a blanket dismissal.

For non-OBTS counties, these cases should be reported in the **Before Trial, Other** disposition category of the SRS form.

DISPOSITIONS

The following item is a common reporting error. Please check this item to ensure that the SRS report **does not** include this reporting error.

x DO NOT report defendants with extradition proceedings.

For the OBTS, use the “Court Action Taken” code of “Z” (extradition).

NOTES

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DISPOSITIONS

Number of After Trial Non-Jury Dispositions

Please refer to section “B2a” of the SRS form which reports information associated with the number of after trial non-jury dispositions in the following categories: Acquitted/Dismissed, Plea (Guilty/Nolo), and Convicted. For reporting purposes, consider the beginning of a non-jury trial to be when the first evidence is introduced or an opening statement is made. A non-jury trial is a bench or judge trial where the judge has to decide the issues of law and fact in the case.

For the OBTS, use the “Type of Trial” code of “3” (non-jury trial).

Note: DO NOT include mistrials. Report the case disposed when the defendant has a final disposition as of the clerk’s document **stamp date**.

Acquitted/Dismissed

- ✓ Report, in the appropriate casetype category, the number of defendants **acquitted** on all counts.

For the OBTS, use the “Court Action Taken” code of “A” (acquitted), and the “Defendant’s Final Plea” code of “1” (not guilty).

- ✓ Report the number of defendants for whom a nolle prosequi was entered on **all counts**.

For the OBTS, use the “Final Action by Prosecutor/Grand Jury” code of “O” (nolle prosequi).

- ✓ Report the number of defendants for whom **all counts** were **dismissed** by the court.

For the OBTS, use the “Court Action Taken” code of “D” (dismissed), “E” (dismissed upon payment of restitution) and the “Defendant’s Final Plea” code of “1” (not guilty), or the “Prosecutor phase” code of “F” (administratively dismissed).

- ✓ Report defendants who were dismissed because the defendant is acquitted or is found not guilty subsequent to an insanity plea.

For the OBTS, use the “Court Action Taken” code of “I” (acquitted by reason of insanity), and the “Defendant’s Final Plea” code of “4” (not guilty by reason of insanity).

DISPOSITIONS

Plea (Guilty/Nolo)

- ✓ Report, in the appropriate case type category, the number of defendants convicted on one or more counts following a **plea of guilty or nolo contendere**.

For the OBTS, use the "Court Action Taken" code of "G" (adjudicated guilty), or "K" (adjudicated delinquent), and the "Defendant's Final Plea" code of "2" (guilty) or "3" (nolo contendere).

- ✓ Report defendants for whom adjudication was withheld following a **plea of guilty or nolo contendere**.

For the OBTS, use the "Court Action Taken" code of "W" (adjudication withheld), and the "Defendant's Final Plea" code of "2" (adjudicated guilty) or "3" (nolo contendere).

Convicted

- ✓ Report, in the appropriate casetype category, the number of defendants **convicted** on one or more counts.

For the OBTS, use the "Court Action Taken" code of "G" (adjudicated guilty), or "K" (adjudicated delinquent), and the "Defendant's Final Plea" code of "1" (not guilty) or "4" (not guilty by reason of insanity).

- ✓ Report the number of defendants for whom adjudication is withheld by the judge after the jury enters a guilty verdict.

For the OBTS, use the "Court Action Taken" code of "W" (adjudication withheld), and the "Defendant's Final Plea" code of "1" (not guilty) or "4" (not guilty by reason of insanity).

NOTES

DISPOSITIONS

Number of After Trial by Jury Dispositions

Please refer to section “B2b” of the SRS form which reports information associated with the number of after trial by jury dispositions in the following categories: Acquitted/Dismissal, Plea (guilty/nolo), and Convicted. **For reporting purposes, consider the beginning of a jury trial to be when the jurors and alternates are sworn.**

For the OBTS, use the “Type of Trial” code of “2” (jury trial).

Note: DO NOT include mistrials. Report the case disposed when the defendant has a final disposition as of the clerk’s document **stamp date**.

Acquitted/Dismissed

- ✓ Report, in the appropriate case type category, the number of defendants **acquitted** on all counts.

For the OBTS, use the “Court Action Taken” code of “A” (acquitted) and the “Defendant's Final Plea” code of “1” (not guilty).

- ✓ Report defendants for whom a nolle prosequi was entered on all counts after a jury trial begins.

For the OBTS, use the “Final Action by Prosecutor/Grand Jury” code of “O” (nolle prosequi).

- ✓ Report the number of defendants for whom **all** counts were **dismissed** by the court.

For the OBTS, use the “Court Action Taken” code of “D” (dismissed), “E” (dismissed upon payment of restitution) and the “Defendant's Final Plea” code of “1” (not guilty), or the “Prosecutor phase” code of “F” (administratively dismissed).

- ✓ Report defendants who were dismissed because the defendant is acquitted or found not guilty by reason of insanity.

For the OBTS, use the “Court Action Taken” code of “I” (acquitted by reason of insanity), and the “Defendant's Final Plea” code of “4” (not guilty by reason of insanity).

DISPOSITIONS

Plea (Guilty/Nolo)

- ✓ Report, in the appropriate case type category, the number of defendants convicted on one or more counts following a **plea of guilty or nolo contendere**.

For the OBTS, use the "Court Action Taken" code of "G" (adjudicated guilty) or "K" (adjudicated delinquent), and the "Defendant's Final Plea" code of "2" (guilty) or "3" (nolo contendere).

- ✓ Report defendants for whom adjudication was withheld following a **plea of guilty or nolo contendere**.

For the OBTS, use the "Court Action Taken" code of "W" (adjudication withheld) and the "Defendant's Final Plea" code of "2" (guilty) or "3" (nolo contendere).

Convicted

- ✓ Report, in the appropriate casetype category, the number of defendants **convicted** on one or more counts.

For the OBTS, use the "Court Action Taken" code of "G" (adjudicated guilty), or "K" (adjudicated delinquent), and the "Defendant's Final Plea" code of "1" (not guilty) or "4" (not guilty by reason of insanity).

- ✓ Report defendants for whom adjudication is withheld by the judge after the jury enters a guilty verdict.

For the OBTS, use the "Court Action Taken" code of "W" (adjudication withheld), and the "Defendant's Final Plea" code of "1" (not guilty) or "4" (not guilty by reason of insanity).

NOTES

REOPENED CASES

Number of Defendants with Reopened Cases

Please refer to section “C” of the SRS form which reports information associated with the number of reopened cases during the specific reporting period.

- ✓ Report, in the appropriate case type category, the number of defendants with cases previously reported as disposed who have proceedings that are reactivated or resubmitted to the court.
- ✓ Report motions and petitions filed subsequent to the disposition of the case that **may involve judicial action**.
- ✓ Report motions and petitions filed subsequent to the disposition of the case. This includes motions filed by either the state and/or the defendant where the validity of the sentence imposed is being challenged and/or modified with a hearing set before the court, pursuant to rule 3.800, Florida Rules of Criminal Procedure (correction, reduction, and modification of sentences).
- ✓ Report defendants with cases remanded from an appellate court to the trial court for the purpose of entry of a proper judgment or decision, an evidentiary hearing, or a new trial.
- ✓ Report the number of defendants with cases filed for judicial action after being placed on deferred prosecution or other pretrial probation programs approved by the state attorney, **including treatment-based drug court programs**.

Note: The section entitled OBTS provides detailed instructions for reporting cases filed for judicial action after a defendant has been placed on deferred prosecution, other pretrial probation programs, **or treatment-based drug court programs**.

- ✓ Report cases filed for judicial action after a defendant was declared mentally or physically unable to stand trial.

For the OBTS, in each of the above examples, use the “Date Charge Reopened” field to enter the reopened date, and the “Reason Charge Reopened” code of “O” (charge reopened for other reason).

- ✓ Report multiple motions/petitions filed subsequent to the close of the case **but on the same day as only one reopening**. However, if multiple motions/petitions are filed subsequent to the close of the case on different days, report each occurrence.

Note: The section entitled OBTS provides detailed instructions for reporting multiple reopenings per case in a given reporting period.

REOPENED CASES

The following items identify common reporting errors. Please check these items to ensure that the SRS report **does not** include these reporting errors.

- ✘ DO NOT** include defendants with violations of probation or post conviction relief motions. These actions are reported on the Special Proceedings section of the report (See page 8-17).
- ✘ DO NOT** include motions to return property, motions to transport prisoners, or motions to tax costs.

NOTES

[illegible]

SPECIAL PROCEEDINGS

Number of Bond Hearings

- ✓ Report the number of defendants whose **pretrial release status** is considered by a **county judge** at a special hearing for the purpose of setting or modifying bond or other pretrial release (See Frequently Asked Questions, page 8-22).

For the OBTS, a valid date must be entered in the "Date of Bond Hearing" field for at least one charge and may be entered for each charge. The SRS software counts one bond hearing per case.

- ✓ Report post conviction bond hearings.
- ✓ Report only those hearings that are heard by a county court judge or a circuit court judge presiding over the county court.
- ✓ Report each hearing when a defendant appears before a judge for more than one bond hearing during the reporting period.

The following items identify common reporting errors. Please check these items to ensure that the SRS report **does not** include these reporting errors.

- ✗ **DO NOT** include bond decisions made at first appearance.
- ✗ **DO NOT** report a bond hearing **for each charge** in front of the court. Only report one hearing per defendant.

Number of Adversary Preliminary Hearings (Rule 3.133(b), Florida Rules of Criminal Procedure)

- ✓ Report the number of defendants for whom a hearing is held to determine whether there is sufficient cause to hold the defendant for trial.

For the OBTS, a valid date must be entered in the "Date of Adversary Preliminary Hearing" field for at least one charge, and may be entered for each charge. The SRS software counts one adversary preliminary hearing per case.

- ✓ Report only those hearings which are heard by a **county judge** for defendants charged with felonies.

The following item is a common reporting error. Please check this item to ensure that the SRS report **does not** include this reporting error.

- ✗ **DO NOT** report the number of non-adversary probable cause determinations (rule 3.133(a), Florida Rules of Criminal Procedure).

SPECIAL PROCEEDINGS

Number of Probation Revocation Hearings

- ✓ Report the number of defendants for whom a hearing is held to determine whether the probation of the defendant should be modified or revoked.

For the OBTS, enter the date the violation of probation warrant *is served* in the “Date Charge Reopened” field, and use the “Reason Charge Reopened” code of “V” (violation of probation).

If a warrant is not issued, use the date a notice to appear is served, or, if this is not available, the date the defendant appears in court for a final determination regarding the condition of the probation.

For non-OBTS counties, if a defendant violates probation and is brought before the court for multiple hearings on that violation, the date of the final hearing should be used to denote the date of the probation revocation.

- ✓ Report one probation hearing for each defendant even if, after the hearing, the conditions of the probation remain the same. That is, if a defendant violates probation and is brought before the court for multiple hearings on that violation, report only one probation hearing.

The following item is a common reporting error. Please check this item to ensure that the SRS report **does not** include this reporting error.

- ✗ **DO NOT** report the initial appearance held in order to plea to the charges even if the probation is temporarily revoked. If the judge makes a decision about the condition of the probation and the decision is final, then the hearing would be reported.

Number of Post Conviction Relief Motions Filed (Rule 3.850, Florida Rules of Criminal Procedure)

- ✓ Report the number of defendants filing formal motions to vacate, set aside, or correct a judgment or sentence during the reporting period.

For the OBTS, enter the appropriate date under the “Date Charge Reopened” field and use the “Reason Charge Reopened” code of “P” (post conviction relief motions).

The following item is a common reporting error. Please check this item to ensure that the SRS report **does not** include this reporting error.

- ✓ **DO NOT** include correspondence or other informal inquiries about a judgment or a sentence that are not pursuant to Rule 3.850, Florida Rules of Criminal Procedure.

CASE TYPE DETERMINATIONS

Case Type Determinations

The following list of SRS case types includes offenses cited by Florida Statute that should be included for each case type. Following the SRS case type list are instructions for selecting the correct SRS case type for defendant's accused.

Misdemeanors

- Any criminal offense that is punishable by a term of imprisonment in a county correctional facility, not to exceed one year. Also includes non-criminal violations as defined by section 775.08 (3), Florida Statute.

DO NOT include worthless checks, municipal and county ordinances, and traffic offenses.

Worthless Checks

- All offenses which constitute a misdemeanor in Chapter 832, Florida Statutes, involving the issue of worthless checks and drafts less than \$150.

County Ordinances

- All cases involving violations of local regulations passed by a county which are punishable by a fine less than \$500 and/or imprisonment in a county jail for less than 60 days as provided in section 125.69, Florida Statutes.

Municipal Ordinance

- All cases involving violations of local regulations passed by a municipality which are punishable by a fine less than \$500 and/or imprisonment in a county jail for less than 60 days.

CASE TYPE DETERMINATIONS

Single Count Charging Documents

The following procedures should be adhered to when determining the SRS case type on a single count charging document (i.e., notice to appear, sworn complaint, information, or indictment):

1. Review the charging document and determine which Florida Statute, county or municipal ordinance is cited.
2. Select the appropriate case type by determining where the offense is categorized.
3. Report the defendant accused under the appropriate case type on page 7 of the County Criminal SRS form.

Multiple Count Information or Indictment

In situations where a defendant is charged with multiple counts, use the following procedures to determine the most serious offense case type for the defendant accused (page 7 of the County Criminal SRS form).

1. Review the charging document and determine which Florida Statutes, county or municipal ordinances are cited.
2. Select the most serious statutory offense, (i.e., first degree misdemeanors are more serious than second degree misdemeanors; second degree misdemeanors are more serious than county or municipal ordinances). For offenses that are statutorily equal, use the following ranking to determine the most serious offense. The ranking scheme is in descending order of seriousness:
 - Misdemeanor;
 - Worthless check;
 - County ordinance; and
 - Municipal ordinance.
3. Once the most serious statutory offense is selected then the appropriate case type for the defendant accused is chosen by determining where the offense is categorized.
4. Report the defendant accused under the appropriate case type on page 7 of the County Criminal SRS form.

If you are unable to determine the correct SRS case type then contact the Office of the State Courts Administrator (850) 922-5094 or SUNCOM 292-5094.

CASE TYPE DETERMINATIONS

Disposition Category Determination

In situations where multiple charges are being disposed at the same time, the defendant should be reported in the disposition category that uses the most judicial time. The corresponding counts should be reported in the disposition category that is appropriate. The following disposition categories are listed **in descending order of judicial time expended**.

After Trial Disposition Categories

- By Jury Convicted;
- By Jury Plea;
- By Jury Acquitted/Dismissed;
- By Non-Jury Convicted;
- By Non-Jury Plea; And
- By Non-Jury Acquitted/Dismissed.

Before Trial Disposition Categories

- Plea (Guilty/Nolo);
- Transferred;
- Other;
- Dismissed;
- Speedy Trial Rule Dismissal; and
- No File.

FREQUENTLY ASKED QUESTIONS

County Criminal Frequently Asked Questions

1. (Q) If a defendant comes back to court on a violation of probation (VOP) and there is a change in adjudication (i.e., adjudication was withheld at the original sentencing but the defendant was adjudicated guilty at the VOP sentencing), how should clerk staff handle this change in order to satisfy the Florida Department of Law Enforcement's (FDLE's) need for the change in adjudication to be reported, as well as SRS disposition reporting requirements?

(A) For OBTS counties, in cases in which the court withheld adjudication on a defendant and subsequently finds the defendant guilty, the "Court Action" field should be modified to reflect a "G" for Guilty (i.e., the new disposition). The remaining fields within the "Court Phase" should NOT be modified (i.e., "Statute Number" and "Court Decision Date"). Additionally, the "Sentence Phase" fields should be modified to reflect the outcome of the new disposition.

For Non-OBTS counties, the above instructions stand in that the original disposition date should NOT be modified. The only fields that may require a change would be as to new sentencing information and the original adjudication status.

2. (Q) How should you report the date of disposition when the final order is filed with the clerk over a month after the actual disposition date, with a nunc pro tunc instruction accompanying the judge's signature?

(A) The date of disposition for SRS should always be reported as of the clerk's document stamp date. For example, in a scenario in which the clerk's office date stamps the disposition paperwork on 3/12/01, with the judge having signed the order on 3/12/01 with a nunc pro tunc dating the order to 1/10/01, the document should be reported disposed for SRS on the 3/12/01 stamp date.

3. (Q) Should a bond hearing be reported when a hearing is held pursuant to Florida Rules of Criminal Procedure 3.134, where the judge shall order the defendant released on own his recognizance (ROR) if formal charges haven't been filed by the State Attorney within the required time period?

(A) Yes. You may report hearings pursuant to rule 3.134, Florida Rules of Criminal Procedure, in the "Bond Hearing" category under Special Proceedings. Page 8-16 of the SRS Manual states the following with regard to reporting bond hearings, "(R)eport the number of defendants whose pretrial release status is considered by a county judge at a special hearing for the purpose of setting or modifying bond or other pretrial release.

FREQUENTLY ASKED QUESTIONS

4. (Q) How should criminal bond forfeitures be reported for SRS?

(A) The bond forfeiture should be considered as part of the criminal case and not reported separately for SRS. If for some extraordinary reason the criminal case is disposed prior to the bond forfeiture, the proceeding should be reported as a Reopening under the case type of the criminal action in which it was disposed of for SRS.

5. (Q) If a county judge handles a bond hearing for a Circuit Criminal case, should the hearing still be reported under the “Bond Hearing” category in the Circuit Criminal division?

(A) Yes. SRS measures workload activity by division. Although the county judge is hearing the Circuit Criminal case, the workload issue is arising out of circuit court and the county judge is acting as a circuit court judge. For the OBTS, the date of the bond hearing should be entered into the appropriate field for the circuit criminal case number.

6. (Q) Our state attorney is not using the same statute table the clerk's office is using, and this causes a big problem. What should we do?

(A) Because state's attorneys are not bound by the reporting requirements established for the SRS, unfortunately the OSCA can do little other than suggest that all agencies involved in the development of criminal history records adhere to the same statute table. It is the OSCA's understanding that the statute table found on the FDLE website is probably the most reliable in the state. For that reason, the OSCA will continue to use this table as a basis for verifying OBTS data. Additionally, we will follow up with staff at FDLE to determine whether they have been successful in persuading local state's attorneys to use their statute table.

7. (Q) If a defendant is charged with an attempted crime, should the statute number entered into the OBTS record reflect the attempt of the substantive crime cite?

(A) For the OBTS, in situations where a defendant is charged under chapter 777, Florida Statutes, do not report the attempt statute in the statute number field in any of the OBTS phases. Record the Florida statute cite of the specific crime that is attempted [e.g., battery (784.03(2)), assault (784.011(2)), petit theft (812.014(2)(d)], using one of the general offense codes for attempted charges.

FREQUENTLY ASKED QUESTIONS

8. (Q) Should non-criminal violations of local and county ordinances be reported for SRS?
(See OBTS Tech Memo 03-02)

(A) For counties that do not report via the OBTS, a non-criminal violation of a local or county ordinance (i.e., not supported by Florida Statute) should only be reported for SRS if the case is filed due to non-payment of a fine and the defendant appears before the court.

For counties reporting via the OBTS, non-criminal violations should be reported when they are initiated. The OBTS record should contain an "I" in the "Level of the Charge" field and reflect a statute number of all 8's for county ordinances or all 9's for municipal ordinances. If a non-payment occurs and the defendant appears in court, submit a new record changing the "Level of the Charge" code from "I" to "C" if reporting a county ordinance or from "I" to "L" if reporting a municipal ordinance. This change should be made in all phases of the new OBTS record.

9. (Q) Should citations for consumption of tobacco by a minor, pursuant to section 386.212, Florida Statutes, be reported for SRS? If so, should these cases be reported as County Criminal or Juvenile Delinquency filings?

(A) Report these citations for SRS only if the person fails to comply with the directions of the citation and appears before the court. In that case, these infractions should be reported on the county criminal section of the SRS report under either misdemeanor, county ordinance or municipal ordinance. The case type determination is dependent upon how each individual county defines similar violations.

NOTES

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